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Committee on the Elimination of Discrimination against Women
Sixty-first session

Summary record (partial)* of the 1320th meeting
Held at the Palais des Nations, Geneva, on Wednesday, 15 July 2015, at 3 p.m.

Chairperson: Ms. Hayashi

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* No summary record was prepared for the rest of the meeting.

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The meeting was called to order at 3 p.m.

Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Combined fourth and fifth periodic reports of Croatia (continued) (CEDAW/C/HRV/4-5; CEDAW/C/HRV/Q/4-5 and Add.1)

1. *At the invitation of the Chairperson, the delegation of Croatia took places at the Committee table.*

Articles 1 to 6

2. **Mr. Sočanac** (Croatia), responding to questions raised at the previous meeting, said that women victims of trafficking were encouraged to report their cases to the police, but were not penalized if they failed to come forward. Their residence status in the country was not dependent on testifying against the traffickers.

3. **Ms. Poljarević** (Croatia) said that the definition of rape contained in the Protection against Domestic Violence Act had been brought into line with the provisions of the *Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol)*. The definition of "family member" contained in the Act had been expanded to cover any person living in the same household on a regular basis, including de facto partners. The Government had also amended the Criminal Code to make domestic violence and rape separate punishable offences. The punishments handed down to perpetrators of domestic violence or rape, including the length of sentence, were proportional to the penalties imposed for other offences of a similar gravity. Steps had been taken to ensure that appropriate medical and psychological support was provided to victims at all stages of the investigation into cases of domestic violence and rape, and protection measures had been strengthened to include the use of restraining orders and compulsory treatment orders for perpetrators of domestic violence. The courts were responsible for monitoring and reviewing the effectiveness of such measures and guaranteeing the safety of victims.

4. **Ms. Štimac Radin** (Croatia) said that the Ombudsman for Gender Equality was tasked with handling complaints concerning the sexist and stereotypical portrayal of men and women in the media and advertising. The Ombudsman's Office had issued warnings for minor offences and had ordered the withdrawal of adverts in a few particularly serious cases. No case had yet been brought before the courts.

Articles 7 to 9

5. **Ms. Nwankwo** said that she would like clarification regarding the preferential voting system introduced for legislative elections under the recent amendments to the Act on the Election of Representatives to the Croatian Parliament and their impact on the number of women representatives elected to office. Was the party candidate selection process prescribed by the Act at odds with the 40 per cent quota of women that had been set under the Gender Equality Act? She also wished to know whether the Government had adopted specific measures to increase the overall representation of women in appointed senior decision-making positions in public, political and economic life. Similarly, she asked what efforts had been made to increase the number of women ambassadors in the diplomatic service and uphold their right to maternity leave.

6. **Ms. Štimac Radin** (Croatia) said that preferential voting had been introduced at the request of a large number of political parties and with full public support. Women stood to benefit under the system, as it enabled strong candidates to win parliamentary

seats regardless of where they were placed in the list. Under the amended Act on the Election of Representatives to the Croatian Parliament, lists of candidates that did not comply with the gender representation requirements under the Gender Equality Act would not be regarded as valid. Political parties that failed to submit electoral lists containing at least 40 per cent of women candidates faced sanctions, including being disqualified from entering the election. At present, women held around 20 per cent of the seats in the parliament, but it was hoped that at the forthcoming elections that figure would rise to 30 per cent. In the run-up to the elections, the Ombudsman for Gender Equality and NGOs also intended to conduct awareness-raising campaigns on gender equality and women's participation in political life as part of efforts to increase women's representation. At the local level, the Government had been making concerted efforts to address the low number of women councillors and mayors and would continue to monitor the situation. As for the number of women in senior decision-making positions in the public and private sector, the Government fully supported the proposed European Union directive calling for a 40 per cent quota of women on the executive boards of companies, which it hoped would be adopted and implemented in the near future. It also intended to continue discussions on women's representation in public, political and economic life at the national and local parliamentary level.

7. **Ms. Ameline** welcomed the bold measures taken by the State party to uphold the 40 per cent quota of women electoral candidates and said that the 40 per cent quota of women on executive boards of public and private companies should be considered in a positive light, rather than being considered as a constraint or obligation.

8. **Ms. Popović** (Croatia) said that the Ministry of Foreign Affairs had adopted a special action plan to promote gender equality in the diplomatic service and had introduced an ordinance establishing the right to maternity leave for women ambassadors. A recent survey had noted a significant increase in the number of women assuming high-ranking positions in the diplomatic service and the number of women appointed as ambassadors had risen sharply, from 10 per cent in 2011 to 27 per cent in 2014.

Articles 10 to 14

9. **Ms. Acar** asked what policies had been adopted to address the significant gender differences in secondary school enrolment and promote the diversification of educational and vocational choices for women, particularly at the tertiary level. She also wished to know what efforts had been made to incorporate modules of gender equality and sexual and reproductive health into the national curricula for primary and secondary schools.

10. **Mr. Bruun** asked what measures had been adopted to reduce the gender pay gap and lessen the impact of the economic crisis on women's representation in the labour market. He said that he also wished to know what steps had been taken to facilitate access to justice for women victims of sexual discrimination and harassment in the workplace and to shift the burden of proof from the victim to the alleged perpetrator. Similarly, he asked what efforts had been made to tackle discrimination against pregnant women and new mothers at work, increase the availability and accessibility of adequate childcare and encourage more fathers to take parental leave.

11. In July 2014, Croatia had adopted a new Labour Act that had given employers the right to modify an employee's working hours in accordance with the company's needs. Furthermore, under the new legislation, it was easier in cases of company restructuring for employers to terminate an employee's contract, irrespective of whether or not it might be reasonable to redeploy or retrain the employee. Employer requirements for flexibility were difficult for female employees with family and

childcare responsibilities to fulfil. Had the Government evaluated that legislation from a gender perspective before its adoption, and how was the Government measuring the consequences of that new legislation?

12. Regarding women in a vulnerable position, only 35 per cent of women with disabilities were employed and, despite efforts made to boost their employment, the results had not been convincing. What measures had been taken to promote vocational training and the employment of women with disabilities? He would appreciate details of how employers were trained and informed about their obligations to provide reasonable accommodation for women with disabilities. He also wished to know what measures the Government had taken to increase employment among Roma women.

13. According to European Union statistics, 84 per cent of company board members were men. He therefore wondered whether the Government supported the European Union proposal of introducing mandatory quotas with a view to achieving 40 per cent female company board membership.

14. **Ms. Chalal** said that the Government had made much progress in maternal and infant health. Nevertheless, the Committee was concerned that certain public hospitals and private clinics denied women the right to abortion on the pretext of reasons of conscience. The State party report indicated that 5 gynaecological services out of 27 had not provided abortions in 2012. What measures would be taken to ensure that the legal right to abortion was implemented? The implementation of that right had also been impeded by the influence of the Catholic Church and conservative groups. Despite a circular from the Ministry of Health reminding public hospitals that they were obliged to provide abortion services and better regulate conscience clauses, more than half of gynaecologists in 2014 had refused to conduct abortions according to the Ombudsperson for Gender Equality. There were also allegations of poor treatment by health-care staff towards women wishing to terminate their pregnancies. What further measures did the Government envisage taking in order to remove all restrictions on access to abortion? How would the Government force health-care staff to respect the human dignity of patients in gynaecological and obstetric services, and punish them if they did not? What approach did the Government intend to take in order to deal with the dangers involved in clandestine abortions?

15. She would appreciate it if the delegation could provide an idea of the initial findings of the Ministry of Health inspections of gynaecological departments planned for 2015. According to an alternative source, only 8 per cent of women between the ages of 15 and 29 had made use of birth control devices in 2012 because of a lack of information campaigns and because such devices were expensive. How did the Government intend to make modern birth control methods more accessible, in particular for more vulnerable groups, including women with mental disabilities, women in prisons, Roma women and migrant women? Did the Government intend to lower the price of birth control devices, and perhaps even make them free of charge, at least for women without a regular income?

16. The prevalence of sexually transmitted diseases indicated that there were weaknesses in the education programmes on sexual and reproductive health. Information was needed on Government efforts to strengthen those programmes given that the current two hours a year devoted to those topics was not sufficient. Women with disabilities had difficulty accessing health services and health care, according to a report by the Ombudsperson for Persons with Disabilities; hospitals were not set up for them, and medical staff had not received training on how to work with them. What strategies did the State party have in place to guarantee and protect that group's right to health? Were there mobile health-care units that would enable women living far from places with health infrastructure to exercise their right to health care?

17. **Ms. Jarak** (Croatia) said that the Constitution provided that education, particularly primary education, must be equally accessible to all. As for enrolment in secondary education, the principle was that pupils would enrol in particular subjects in accordance with their preferences, needs, interests and motivations. It was true that most girls enrolled in general secondary education programmes, but over the past few years there had been an increase in the number of girls enrolled in vocational and industrial colleges. In the academic year 2012/13, girls had made up 48 per cent of the student body in technical and similar colleges and 36 per cent in industrial and craft colleges. Some 69 per cent of girls were enrolled in art and similar colleges; the Government wanted to change that situation. The same curriculum was offered to girls as to boys.

18. Regarding the representation of women in higher education, under a provision in the Constitution about the autonomy of universities, programmes of study were the same for men and women. As far as graduates in higher education institutions were concerned, an increasing number of women were enrolled in architecture and civil engineering. Progress had been made in professions that had so far been traditionally male, particularly in the areas of medicine and health. At present, most medical school graduates were women, and the same was true for law school.

19. There were more female than male mathematics teachers in schools. Regarding the two new curricula, the Government had introduced health education in schools in 2013. It was divided into four modules: healthy living, the prevention of addiction, the prevention of violent behaviour, and sexual and gender equality and responsible sexual behaviour. It was true that only two hours of sex education were offered in some school years, but that was only the case until the sixth year of primary school; after that the number of hours increased from three to five, as students grew older. The age and development of the child had been taken into account in establishing that programme.

20. Much attention had been paid in education to gender equality, starting from the first year of primary school. In 1999, the Government had introduced human rights education, but had not implemented it systematically. Civic education had been introduced at the State level two years before, after countrywide debate. It had been implemented as a pilot programme in year 8 in 31 schools, but it had been implemented in all schools as a separate, interdisciplinary programme, together with training for teachers, school principals and psychologists, and it was currently being evaluated. That was not a new effort; civic education had merely been systematized and improved. Training had been conducted since 1999. It was true that some teachers had refused to teach sex education, because they believed that they did not have appropriate training.

21. **Ms. Knežević Kajari** (Croatia) said that the Labour Act had been adopted in 2014 and was aligned with European legislation. The employer had to provide the same remuneration to both men and women. The pay gap was not a matter of wage payments but rather of the jobs or positions that most women held. Data from the Croatian Pension Insurance Institute indicated that women had an average wage lower than that of men and received their pensions earlier than men and those were the reasons for the difference in average income.

22. The difference between men's and women's working hours was due to the needs of the employers; certain types of jobs could not be done under the same circumstances, but if it came to a breach of labour law, an employee had the right to report the employer. Furthermore, pregnancy and maternity were protected separately under the Labour Act, so the employer was not allowed to ask a woman for information about her family status or reject a woman because she was pregnant.

Regarding women who were breastfeeding, the situation was in accordance with the relevant ordinances on the protection of labour.

23. The economic crisis had influenced the labour market, but special measures had been taken for the categories of persons about whom the Committee had expressed concern. Persons with disabilities had gained additional opportunities for employment under new legislation; any employer with 20 or more employees had to employ a person with disabilities or else pay a fine. According to the Croatian Employment Service, 1,887 persons with disabilities had been employed in 2014, almost 8 per cent more than in the previous year, and some 667 of them were women.

24. Regarding what was being done in Croatia to strengthen the position of Roma women in the labour market, the Government had Roma employment programmes within the Employment Service. When the first programme had started, few Roma had participated, mainly due to a lack of education and not being motivated to search for a job. As a result, the Government had initiated another programme to strengthen consulting services with unemployed women and include them in workshops in order to motivate them to take up employment. The number of women participating in such workshops had increased fourfold between 2010 and 2014, and consequently the Government had started to include women in labour market policy to a much greater extent. The number of women who were beneficiaries of the employment programmes had increased since 2011. Roma women and their position in the labour market still represented a challenge for the Government, which wished to strengthen their education, since it was harder for those women to access the labour market without adequate education. In 2010, 2011 and 2012, the Government had conducted a project entitled "Women in the Labour Market", through which training had been given to employment counsellors, who were then able to assist women in the labour market, including Roma women.

25. **Ms. Zorić** (Croatia) said that the Ministry of Health had analysed health institutions, and the resulting data had indicated that 5 out of 27 such institutions did not offer abortions because of conscience clauses. In November 2014 there had been a recommendation to all hospitals that they must provide abortion services. Hospitals were also asked to produce a protocol on proceedings in such situations. Health-care institutions were obliged to keep a record of doctors who declined to perform abortions for reasons of conscience. Every hospital offered gynaecological care and abortion at the patient's request. In addition, the Ministry of Health had no reports of illegal abortions.

26. Regarding the accessibility of hormonal and oral contraceptives, there were a number of oral and hormonal contraceptives on the list of medications of the National Institute of Public Health. They required minimum additional payment and were issued on prescription.

27. Most gynaecological practices offered services to women with disabilities. Mobile health services, accessible in rural areas, offered mammograms and postnatal care. The Ministry of Health aimed to provide health care in rural areas, and various measures had been taken, including efforts to encourage physicians to work in such areas.

28. **Ms. Pomeranzi** said that more information was needed on changes in the social protection system after the economic and financial crisis that had affected Croatia, as it had other European countries in the past five years. The crisis had had a significant impact on the population at risk of poverty, social exclusion and unemployment, particularly older individuals. Constraints on public spending might have limited the Government's ability to respond to the new social challenges. Could the delegation provide more information on social assistance and on social pension schemes,

particularly for women who had never worked and depended on the social welfare system?

29. Statistics indicated that there were very large numbers of women entrepreneurs, but that they were mainly involved in micro-businesses, rather than in small- and medium-sized enterprises. What was being done to turn micro-entrepreneurial activities into decent and long-term work? She wondered which sectors had the greatest number of self-employed women and what social protection and loan schemes were in place for them.

30. **Ms. Schulz** acknowledged the progress that the adoption of the anti-discrimination and gender equality legislation represented, but said that there was insufficient implementation of the law as far as rural women and other disadvantaged women were concerned. She asked whether a monitoring system was in place to measure the success of efforts made to increase the number of rural women registered as owning farms, craft production enterprises and companies. Had the Government established time-bound measures to increase rural women's economic empowerment and, if so, what were those measures? Was there a master plan in place to ensure that the State services provided to rural women would be improved to bring them up to the level of women in cities?

31. Regarding lesbians, what did the Government plan to do to guarantee their right to protection from hate crimes in practice? Information received from alternative sources indicated that lesbians faced discrimination by the police, who seemed to act to protect the perpetrators rather than the women who were the victims of attacks; by judges who were biased against lesbians and made discriminatory remarks in public; by means of pressure brought to bear on witnesses; by the non-observance of procedural rules such as the burden of proof; and even by the Supreme Court in an anti-discrimination case involving a teacher at Bartol Kašić Primary School. Alternative sources indicated that there was a climate of open discrimination that the State did not seem to be actively working to change. What action did the Government intend to take to ensure for women a life free of discrimination on the basis of sexual orientation?

32. Regarding Roma women, she wondered whether the Government had set time-bound goals and indicators to measure the achievement of its aims and to help overcome the multiple discrimination that Roma women faced. She would welcome further information on the progress made on the exercise of the right to residence and citizenship by the Roma. More disaggregated data on women and girls with disabilities would also be helpful to give the Committee a better idea of the effectiveness of Government programmes aimed at eradicating discrimination against them. Only 35 per cent of employed persons with disabilities were women; what measures was the Government taking to improve access to vocational training, to the labour market and to information on the services that would facilitate their employment?

33. Women and girls in Croatia had very low levels of education; almost 80 per cent had completed primary school at best. What did the Government plan to do to ensure that schools would address the needs of girls and young women and provide well-trained teachers who would help them develop their potential to the fullest?

34. **Ms. Štimac Radin** (Croatia) said that the Minister of Labour and the Pension System had just announced the possibility of introducing social pensions for men and women who needed them. However, that was merely a proposal, since the reforms that were due to be implemented included a reform of the pension system. In 2014, the Government had adopted its strategy on social protection for the period until 2020.

35. Turning to the issue of women's entrepreneurship, she said that about 30 per cent of women were entrepreneurs, and it was true that women tended to own micro-enterprises rather than medium-sized companies. The granting of loans for entrepreneurs was monitored by gender, including the number of applications for such loans and the number granted.

36. The Government supported the rights of lesbian, gay, bisexual and transgender (LGBT) people and was calling for tolerance towards that community. There was a new law on registered partnership. Croatia's ministers regularly attended gay pride parades, while the Governmental Office for Gender Equality gave moral and financial support to the Zagreb LGBT pride march.

37. **Ms. Morosini Turčinović** (Croatia) said that a number of special measures to help reduce poverty and social exclusion had been adopted. Agreements had been reached with telecommunications companies and banks, for example, to write off the debts of vulnerable persons. In addition, as part of the Strategy for Combating Poverty and Social Exclusion in the Republic of Croatia for the period 2014-2020, youth and children, the elderly and retired, certain workers, and persons with disabilities had been identified as vulnerable groups for whom targeted high-quality social and health services must be provided. Civil society organizations were working with those groups to reduce exclusion and improve their quality of life. They also received assistance for the payment of health-care and insurance costs, psychological and social care for the victims of war, prevention of contagious diseases and care for chronic conditions.

38. **Ms. Štimac Radin** (Croatia) said that women were the registered owners of 28 per cent of farms. The Ministry of Agriculture was also preparing an action plan for promoting and improving the role and status of women in rural areas.

39. **Ms. Hajduković** (Croatia) said that women made up 40 per cent of the work force in agriculture, slightly above the European average, although there were relatively fewer women in management roles than the European average. Measures to increase the number of women in decision-making roles would be rolled out in the context of the Rural Development Programme of the Republic of Croatia for 2014-2020, which would receive 2.4 billion euros from the European Agricultural Fund for Rural Development. Those measures would include greater access to education and training as well as to childcare options. Many rural women were successful managers even if they had no formal education. There were many women members of the young agricultural workers' association and the 2014 winner for outstanding member had been a woman who managed an 80 hectare farm.

40. **Mr. Sočanac** (Croatia), with regard to the Roma minority, said that the National Roma Inclusion Strategy for the period 2013-2020 contained measures aimed at Roma women; the European Roma and Travellers Forum had cited Croatia as an example of gender mainstreaming in Roma inclusion strategies. Outreach health services particularly targeted Roma women as did numerous other measures. He noted, however, that Roma women were often held back by traditional practices, including early school leaving and early marriage. The authorities were working to provide services to Roma women to help them break with such traditions.

Articles 15 and 16

41. **Ms. Halperin-Kaddari** was concerned that the new draft of the Family Act 2014 maintained some of the disturbing provisions of the version of that law that had been suspended by the Constitutional Court. The Committee had information that the new draft had been influenced by fathers' rights groups and the dubious theory of parental alienation syndrome. For example, it provided that even in cases of alleged or proven domestic violence, the custodial parent of a child, usually the mother, could be subject

to a fine or imprisonment for failing to cooperate in facilitating visitation rights for the other parent. That provision could put both the mother and the children at risk. The new draft likewise imposed mandatory mediation even in cases involving domestic violence, which would require victims to meet with their abusers in social welfare centres, albeit in the presence of a mediator.

42. Clarification was needed on the division of assets in cases of divorce, in particular future assets including pension savings and severance pay that might be received by an employed spouse. She wondered if the wife would be entitled to an equal share of those assets. Furthermore, she wondered what would be the status of the wife if in the future her ex-spouse's income and/or assets increased; would she be entitled to an equal share of those future assets as well and was there any mechanism to monitor such situations and ensure the woman received her just share?

43. **Ms. Bojanić** (Croatia) said that pending the adoption of the new Family Act, the 2003 Family Act remained in force; the provisions flagged by the Constitutional Court would be amended under the revised draft of the Family Act 2014. With regard to divorce, especially when there were children involved, both parents were considered to have a responsibility to accept mediation with a view to avoiding divorce if possible or, if not possible, providing for the care of the children. Mediation occurred in a social welfare centre in the presence of a trained mediator. The Ministry of Social Policy and Youth had training centres for social welfare mediators; a registry of accredited mediators was available to the public. Mediation was considered to be a positive measure for most families, giving the partners an opportunity to communicate and work out their problems, take their own decisions and protect the interests of the children in a less stressful environment.

44. With regard to sanctions for failing to facilitate parental visits, she said that it was considered important that children maintain a relationship with both parents although special circumstances, for example violence or abuse, must be taken into account. The custodial parent must facilitate and even encourage contact with the other parent. A judge might provide a written explanation of the custodial parent's obligations with regard to visitation rights and the possible penalties for failing to comply but that explanation in itself was not an enforceable judicial decision.

45. With regard to marital assets, she said that the current and proposed Family Act gave the spouses equal rights to assets acquired during their marriage, although a pre-nuptial contract could modify that situation. In cases of divorce there were arrangements for support payments and the management of shared assets, which required the written consent of both partners, for example with regard to mortgages.

46. **Ms. Schulz** asked whether the costs of abortion were covered by basic health insurance. She expressed concern at information the Committee had received about the care provided to pregnant women in hospitals: procedures had been performed without informed consent; deliveries had been in the lying down position only; midwives had not been authorized to perform home deliveries and patients had received rough treatment by staff. It was her understanding that a girl aged 16 to 17 could have an abortion without the consent of her parents but in order to obtain emergency contraception she had to go to a pharmacy accompanied by her parents, consult the pharmacist and fill in a detailed form. That seemed contradictory, and she wondered if the delegation could confirm that was in fact the case.

47. **Ms. Nwankwo** said that she was concerned at information received by the Committee that women in the diplomatic service posted abroad who requested maternity leave were automatically reassigned to Croatia. The delegation should indicate whether that was true and whether any measures were envisaged to guarantee women diplomats' right to have children. She also stressed that, in general, it was not

sufficient to repeal discriminatory measures; they should be replaced by positive measures to promote women's rights.

48. **Ms. Halperin-Kaddari** asked whether medically assisted insemination would be made available to single women and lesbians in addition to infertile women. She reiterated her question about the sharing of assets in cases of divorce where one partner subsequently had a significant increase in income or assets; would the other partner be entitled to an equal share of that increase?

49. **Ms. Acar** was concerned that the delegation's responses seemed to indicate a reluctance to try to eliminate structural inequality for women, for example by saying that universities were autonomous and the Government therefore had little influence over their policies and programmes. She stressed that the State party had a responsibility to accelerate change through incentives, policies, legal measures and awareness-raising. While there appeared to be an adequate legal framework for women's rights, the Committee required concrete information on the de facto situation of women.

50. **Ms. Štimac Radin** (Croatia) said that the State party did in fact actively promote gender equality; it organized round-table discussion on women's issues and celebrated International Women's Day and encouraged women to study non-traditional subjects; currently women were underrepresented solely in the fields of information and communications technology and engineering. The Croatian Employment Service distributed materials that encouraged both women and men to consider non-traditional occupations.

51. **Ms. Zorić** (Croatia) said that abortion and contraception were not paid for by the public health system. A minor did require parental consent to have an abortion; the procedure for a minor to obtain emergency contraception described by Ms. Shultz was correct but she stressed that no prescription was required. She also confirmed that midwives were not allowed to deliver babies outside hospitals because such procedures were not considered to meet the minimum standards for care. The Ministry of Health was aware of complaints regarding the care provided to pregnant women in hospitals and was working to address those concerns and improve the relationship between patients and staff.

52. **Ms. Kožar Schenck** (Croatia) said that while women diplomats did of course have the right to have children it was unfortunately true that pregnancy would result in them being reassigned to duties in Croatia. She hoped that situation would soon change.

53. **Ms. Štimac Radin** (Croatia) said that the delegation would provide a reply in writing to Ms. Halperin-Kaddari's enquiry about the division of assets in cases where the financial situation or assets of the supporting partner changed significantly following a divorce.

54. She thanked the Committee for a positive and constructive dialogue. She looked forward to continued cooperation with it for the promotion of gender equality in Croatia.

55. **The Chairperson** thanked the delegation for its valuable contribution to the Committee's understanding of the situation of women in Croatia. She urged the State party to fully implement the Committee's final recommendations, for the benefit of the women and girls of Croatia.

The discussion covered in the summary record ended at 5.15 p.m.